

2009-11

>>> "Daniel Rose" <DRose@co.livingston.mi.us> 9/14/2009 4:40 PM >>>
Dear Clerk of the Court,

I object to the proposed changes to MCR 6.302 and MCR 6.310. Negotiations between attorneys requires the ability to communicate frankly. Negotiations are often involve subtlety and tact with defendants and victims. To engage in negotiations in open court is ludicrous! As I understand, this proposal is to protect defendants from misrepresentation by their attorney. The system is in danger if we have lost trust in lawyers to protect the interests of their clients. The duty of loyalty and the oath all lawyers take is designed to protect the interest of clients.

The proposal further ignores the dynamics of negotiations in open court, with both the defendant and victim present. Hostility between defendant and victim can be intense. Defendants often have a hard time admitting they did anything wrong (ex. child molestation). Negotiations can be very delicate. Conducting negotiations in open court will end the possibility of reaching an agreement in many cases, before the discussion even begins, because of the inappropriateness of the negotiating environment.

Please show this suggestion a quick path to the circular file.

Dan Rose (P40459) (517) 540-7792